



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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LOS ANGELES, CALIFORNIA 90012-2713

July 6, 2004

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Agenda No. 62
03/16/04

TO: SUPERVISOR DON KNABE, Chairman
SUPERVISOR GLORIA MOLINA
SUPERVISOR YVONNE BRATHWAITE BURKE
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

RE: **Recovery of Medical Treatment Costs for Inmates**

On March 16, 2004, your Board requested that this office, in conjunction with the Chief Administrative Officer and the Sheriff, determine whether inmates are eligible for federal entitlements that would reimburse the County for the cost of medical treatment. If inmates are not eligible for federal entitlements, then your Board requested that we identify legislative action needed to recover the County's cost for providing such treatment. This memorandum addresses these issues.

Under 42 U.S.C. section 1396(a)(27)(A), inmates of a public institution are excluded from receiving federal medical assistance entitlements. The Los Angeles County jail system meets the definition of a "public institution" for these purposes. (42 C.F.R. § 435.1009) Therefore, an inmate of the County jail system, whether housed before or after conviction, is not eligible for federal reimbursement of medical costs. State regulations also exclude an "inmate of a public institution" from Medi-Cal eligibility. (22 Ca. Code Reg. 50273(a)(1))

A change in inmate eligibility would require Congressional action to amend Medicaid law and state action to amend Medi-Cal regulations. According to the CAO's office, while states and localities have an obvious interest in securing Medicaid funding for inmate health costs, allowing so would greatly increase federal and state Medicaid spending, and thus the CAO

Intergovernmental Relations staff indicate that the likelihood of legislative action is limited due to the current federal and state budget deficits. However, should you wish to review legislation to accomplish this purpose, we would work with the CAO staff to draft necessary amendments.

If you have questions concerning this matter, please contact me, Assistant County Counsel Lawrence Launer at (213) 974-1881 or Senior Deputy County Counsel Gary Gross at (323) 526-5045.

RGF:GPG:jb

c: Sheriff Leroy D. Baca
Office of the Sheriff

David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors

REQUEST FOR COUNTY COUNSEL ACTION

March 16, 2004

Wawro/Launer
S # Fesler/Fortner
April 16

TO: RAYMOND G. FORTNER, JR.
Chief Deputy

FROM: MANUEL A. VALENZUELA
Principal Deputy County Counsel

AGENDA DATE: March 16, 2004

SUBJECT: Recovery of Medical Treatment Costs - Inmates

REQUESTED BY: Board

TIME FRAME FOR RESPONSE: None

ATTACHMENTS: Partial Preliminary Transcript (03/16/04); Sheriff Board Letter (03/16/04)
Re Agreement for Provision of Medical Treatment Services to Inmates

ACTION REQUESTED:

Work with the Sheriff and CAO, in reviewing existing authority for recovery of a portion of medical treatment costs for inmates, and if permissible, develop modification to existing local policy (if any).

MAV/

c: Mr. Pellman (w/o attachments)
Mr. Main (w/ attachments)
Ms. Wawro (w/o attachments)
Ms. Fesler (w/o attachments)
Mr. Krattli (w/o attachments)
Mr. Launer (w/ attachments)
Agenda Team (w/o attachments)